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# ***Social Equity, or Merely Budget Equilibrium?***

## **The Social Responsibility of the University Amidst Fiscal Crisis**

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For the almost forty years since their emergence, California's public higher education unions have primarily engaged with management over their members' share of the state's resources. The core goal was to obtain a bigger share of a growing budget pie, with some contractual protections against arbitrary management actions, so members could enjoy the share their union had won them. As long as this goal could be realized, the majority of California higher education unions rarely ventured beyond traditional contract bargaining, hardly advocating any vision of the larger purposes and priorities of public higher education.

In the current fiscal crisis, management at all levels of California higher education (University of California, California State University, and Community Colleges) has declared that this relation must be set in reverse, and have called on union leaders to negotiate the terms of the reduction of members' jobs, wages and benefits. Unions have agreed with or rejected these proposals, but most still have not proposed any strategies for resolving higher education's underlying fiscal crisis.

Yet, the crisis in public education funding didn't just happen; it's the result of ideas that have been accepted and turned into policy. Those ideas reflect the success conservatives have had in convincing broad sectors of the public and leaders in both parties to implement their strategies about funding incarceration versus education, promoting tax-free wealth versus expanding public services, and reducing union rights versus increasing them. Unions in public higher education are largely absent from this public debate, where the fate of their members and contracts will be determined.

A more innovative political approach has been pursued by the California Faculty Association, representing faculty in the CSU system. CFA has aggressively promoted legislation that proposes structural changes to the current budget situation. One bill would require a new degree of financial transparency from university foundations, so that available financial resources could be more accurately assessed by the legislature, unions, and public. They also mounted an aggressive campaign in support of an oil severance tax, which could generate as much as \$1 billion per year for higher education, as already occurs in Texas. Meanwhile, they have mobilized members to oppose student fee increases and policies that reduce enrollment and make it harder to enroll low-income and minority students.

If layoffs and downsizing of jobs continue, it is reasonable to expect more members to want their unions to emulate CFA's example. But will other union leaders be willing to follow CFA's example of challenging higher education to uphold its social responsibility, or will they continue to restrict their activism to "bread and butter" issues of jobs and working conditions? **In considering that question, a brief review of some historical moments suggests that when unions uphold the university's social responsibilities they not only perform a public service, but also can generate much-needed budget resources for their own members' jobs.**

### **Social Blindspots –**

California's public universities developed under many leaders who were visionary about the need to increase the flow of higher education funding, yet often suffered blindspots as to issues of social justice and racial equality. For example, during the Depression years, thousands of working class Americans successfully organized industrial unions and won a degree of job and economic security, stimulating an enthusiasm for retirement security that culminated in the Social Security Act of 1935. Yet Californians had been debating a retirement program for the state's public employees years earlier, without much support from public university leaders. Voters did amend the state Constitution in 1931 to establish the retirement system now known as CalPERS, and millions of dollars were produced for university employees.

One might expect that an institution led by eminent teachers would have learned from this the need for enlightened labor relations, but university administrations continued to be so blind to their employees' needs that by the 1960's faculty and staff had organized themselves into unions, ultimately winning many of the improvements in wages, benefits and working conditions they had unsuccessfully petitioned managers for. Legislation was passed to not only legitimize public employee unions, but to establish a government mechanism for union dues collection, proving once again that resources for higher education employees could sometimes be secured by applying collective pressure on management from outside the academy.

This limited social vision of many university leaders has extended beyond employee relations, to broader questions of social justice and access to higher education. A prevailing belief once was that tightly limiting access to American universities was the best way to uphold academic standards, which produced student bodies from relatively narrow social strata rather than from all social classes and racial/ethnic groups. When a dramatic expansion of access finally did come, it was not the result of the university's leadership, but of Congressional action. The class-based conflicts of the Depression era had been forestalled by World War II, and some political leaders knew that, as working class soldiers returned home, there would soon be renewed pressure for greater social mobility. Congress widened the university's doors via the G.I. Bill of 1944, and provided an escape valve for some of this pressure. Vast new sums became available to higher education, without most of its leadership having done much to generate them.

Yet even then, America's public university leaders continued to display their old myopia. Many states permitted grievous racial discrimination in the G. I. Bill's implementation at their institutions, which dissipated its full potential for furthering civil rights; they conditioned leaders, staff, students and the public to tolerate low minority veteran enrollment, a condition which persisted into later decades and wars (see Mark Boulton, "How the G.I. Bill Failed African-American Vietnam War Veterans," *The Journal of Blacks in Higher Education*, Winter 2007/08). Small wonder that discrimination by public universities then became a central target of the Civil Rights Movement, searing into the national consciousness images of Southern Black students trying to democratize public universities in the face of mob violence. Once again, a social justice issue was decided by a popular movement external to university managers, as the Movement successfully pressured the federal government to push university doors open – this time with troops.

Though California avoided that level of physical confrontation, the Civil Rights Movement did stimulate a minority student-led movement demanding greater social and racial diversity in public higher education, which won 1969 legislation forcing public colleges and universities to expand minority recruitment and retention, via the Educational Opportunity Program. Nationally, this sudden appearance of students from public schools that were underfunded compared to those of their more affluent peers presented universities with the need to expand remedial courses and support services, and utilize federal TRIO funding. Thus, these new students helped stimulate the rapid expansion of professional staff in higher education that has taken place since the 1970's (see Gary Rhoades, "Reviewing and Rethinking Administrative Costs," *Higher Education: Handbook of Theory and Research*, 1998). Once again, calls for greater social justice forced change on the academy externally – and, ironically, brought in new fiscal resources that stimulated the hiring of professional staff, and ultimately the emergence of unions representing them.

Regrettably, some union leaders have exhibited the same limited social vision as their employers. America's long history of trade union discrimination against female workers and those of color is well-known, and similar issues have been the occasional subject of conflict within university unions. Much like the debate in private-sector unions on the rights of less-privileged strata, such as seasonal workers and those with low seniority, faculty unions have debated issues about the status of tenured versus non-tenure-track faculty. Marc Bousquet, author of *How the University Works*, has claimed that while some tenured professors unite with the demands of contingent faculty through their unions, others defend their privileges through alliances with management, turning Academic Senates into what he calls "ROTC for training future university managers". Recent budget reductions have intensified these internal workforce pressures, and both faculty and staff unions have had to wrestle with the question of whether to support layoffs for those with low seniority

versus furloughs/pay cuts for all. Unless these unions develop a strategy for improving public education's fiscal crisis, management cost-cutting actions can be expected to intensify such workforce divisions.

### **Serving Society Pays --**

As we've seen, one of the ironies of struggles for greater access to the university is that when they are victorious, they may bring new funding into the very institutions that initially resist them.

**The position argued here is that unions can serve society's need for greater equality, their universities' need for funds, and their members' need for greater job security, by organizing to ensure that public higher education not retreat from its social responsibility to serve low-income and minority communities.** That requires a commitment to both enroll and to provide academic support services to those whose high school make them eligible to enroll, yet are assessed as having pre-collegiate (i.e., "remedial") skills in Math or English. Remediating students is one of the main ways the university can help society overcome its longtime legacy of unequal educational opportunities for the poorest communities (see Serena Golden, "The Rhetoric of Remediation," *Inside Higher Education*, April 29, 2010).

However, California's public universities went in the opposite direction when they responded to budget deficits by cutting enrollment, which reinforced the competitive advantages of applicants with the best grades and test scores. That seems fair, but actually raises serious questions of equity and social justice, since it is well-documented that the high schools sending the largest numbers of eligible but under-skilled students to higher education tend to be located in low-income and minority communities. A hierarchy of test scores actually reflects a hierarchy of social class and color. Defending the right of under-skilled but eligible students to attend a CSU campus is not a matter of privileging some small special interest group, but of democracy, since over 50% of the statewide entering class has tested at remedial levels for many years.

Remediation is also a question of racial/ethnic equity, because the rate of remediation for underrepresented minority groups is higher than the rate for White students on every one of the system's 23 campuses. For instance, the most recent full-year data show that while remedial students comprised 56% of CSU's Fall 2007 entering class statewide, they were fully 91% of all entering students at Cal State Dominguez Hills, a campus which serves many minority and low-income communities (see "Proficiency Reports of Students Entering the System," *CSU Analytical Studies Division*, [www.asd.calstate.edu/performance/proficiency.shtml](http://www.asd.calstate.edu/performance/proficiency.shtml)).

Furthermore, each campus' share of remedial students not only reflects race and ethnicity, but also socio-economics. For example, at CSU Dominguez Hills 88% of African American first-year students were remedial in English, compared to only 52% of Whites. Yet because this campus serves a community that is less affluent than that served by most other CSU campuses, the Dominguez Hills remedial rate for Whites was actually higher than the rate for both Whites and African Americans (51%) at CSU San Diego.

The right of remedial students to equitable treatment was recently taken up by members of the California Faculty Association and the Academic Professionals of California, a smaller union representing student services and other professionals (see Kim Geron and Elizabeth Hoffman, "These Are Our Students," *California Faculty*, Winter One 2010). When CSU's administration announced its intention to require all incoming remedial students to attend summer classes during hours they might normally be earning money for college, representatives of these two unions presented a statement to the Trustees on March 17, asking why yet another hurdle was being imposed on students who had already faced so much educational inequality. They also warned against funding this experiment at the expense of existing programs "that are pedagogically sound and carefully planned by committed faculty and staff and have an 80% to 90% success rate."

These unionist educators also repeated earlier requests that the university disclose the ethnicity and gender of students disenrolled for not completing remediation by CSU's one-year deadline. When APC representatives made this request in 2003, the press reported that "Cal State officials said they did not yet have a breakdown by ethnic and racial groups for freshmen who were ousted" (see Stuart Silverstein, "CSU Ousts 8.2% Over Weak Skills," *Los Angeles Times*, January 29, 2003). Despite almost annual requests since then, the university has still failed to provide this data, and these unions are the only force publicly insisting that they do.

At the end of the 2007-08 year, 26% of the entering class at Dominguez Hills had not completed remedial classes successfully and were disenrolled (i.e., expelled), compared to only 13% for CSU statewide. Thus, more than 50 years after the Civil Rights Movement began, California had still not corrected its problem of K-12 educational inequality -- the victims, however, were being required to overcome its effects in just nine months (see Steve Teixeira, "High Rate of Under-prepared New Students requires More Funding," *California Faculty*, Winter 2007).

This APC/CFA collaboration on remedial services provided a laboratory experience of how unions can challenge universities to fulfill their responsibility for a more equitable society, while also defending members' jobs as necessary components towards that end. It also revealed that some of the opposition to these students comes from those who are also hostile to public education itself. After a major Bay Area newspaper reported on CSU's Trustees voting to begin Early Start summer remediation, two readers replied online that "People who need remedial courses are TOO STUPID to be going to college. The bureaucrats who accepted them should be fired. The high schools that graduated them should be closed and their administration fired" (sic). "Private schools don't have this level of 'garbage product', (ruined children), and they all operate on half the monies the public schools do. As your local school district cuts staff to balance their budgets, see how many of those let go are 'administrators'. It's time to stop government schools and to kill the UC - Cal State system. Let private enterprise handle it." (*San Jose Mercury News online*, March 18, 2010)

Providing higher education to students from marginalized populations can also provide significant relief to California's strained economy, increasing productivity and reducing the demand for social safety net expenditures (as it can in other states). The same can be said about the university's enrollment of undocumented students, or the provision of Special Admissions to particular social groups who would otherwise not be able to enroll. **Instead of merely seeking budget equilibrium by "managing" the gradual decline of the public university, administrators could embrace the equity mission that was begun but never completed in the last great university expansion. But if management won't, higher education unions should.**

The inevitable challenge that "there's no money for that" can be answered with the truth that the public university relies on government funds, and government funding is a question of political choices. As funding for higher education was being reduced, our country was engaged in two very expensive wars, and authorized the bailout of just one company (AIG) to the tune of \$180 billion -- an amount comparable to the budget deficit of all the states combined. The real question is how political choices regarding university funding are made, and history suggests that they are either made by internal managerial elites, or by external legislative action in reaction to broad popular pressure. By taking up the social justice issues of access and retention, higher education unions develop popular support for funding their work.

### **March 4<sup>th</sup> Day of Action --**

For a short period it seemed possible that CSU managers and unions might work together under the auspices of the *Alliance for CSU*, a coalition promulgated by the CFA to fight for adequate funding. However, as soon as CFA moved the Alliance beyond just asking for funding and towards structural alternatives like the oil severance tax, CSU management ceased collaborating with it, and retreated to the traditional parameters of management-labor relations. CSU's unions (and those in UC and Community Colleges) have had to look beyond management for partners in developing popular pressure for increased university funding.

A huge step in that direction was the March 4<sup>th</sup> Day of Action in defense of public education, when rallies, marches, and teach-ins took place at over 100 California sites and in 30 other states, demanding full funding for public education. This unprecedented collaboration of students and unions representing sectors from “K-16” (i.e., kinder through university) filled the vacuum left by the unraveling of union-management coalition efforts, and certainly was a factor in Governor Schwarzenegger’s unexpected announcement that he would not sign any state budget that didn’t restore \$305 million to the CSU. The March 4<sup>th</sup> events also renewed public discussion of the social responsibilities of higher education, with press releases, websites and rally speakers across California calling for not only increased college funding, but for higher education to apply its funds towards increasing access, racial and social diversity, and the defense of undocumented students.

Labor-management relations in an era of government fiscal crisis will evolve differently than in the past era of relative fiscal stability. University regents and trustees who applauded employee austerity measures in private corporations are now advocating the same approach in public higher education, and soliciting the public’s support. Rights and benefits which public university unions once won have already been reduced, and new attacks are being prepared against tenure, seniority and employee pensions. The foundation for all of this is the shrinking of public higher education’s share of public resources, which begs the question of whether that is what the public truly wants. While it is far too soon to predict what the next round of state budget cuts will bring, what is certain is that some university unionists are embracing a broader view of their role than that found only between the pages of collective bargaining agreements. They are developing a defense of their members’ jobs and working conditions that rests not only on bargaining, but also upon a vigorous defense of the public’s right to an equal, quality education.